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EXAMINER
BOTTS, MICHAEL K

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/725,719	WANG ET AL.
	Examiner	Art Unit	
	Michael K. Botts	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 December 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 December 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This document is the first Office Action on the merits. This action is responsive

to the following communications: The Non-Provisional Application, which was filed on

December 2, 2003.

2.   Claims 1-26 have been examined, with claims 1, 13, and 17 being the

independent claims.

3.   Claims 18, 19, and 21 are objected to.

4.   Claims 1-26 are rejected.

The Specification

5.   Applicant is required to update the status (pending, allowed, etc.) of all parent

priority applications in the first line of the specification. The status of all citations of U.S.

filed applications in the specification should also be updated where appropriate.

Claims Objections

6.   Claims 18, 19, and 21 are objected to because of the following informalities:

        a) Dependent claim 18 purports to depend from claim 14, however from

the fact that the prior independent claim is claim 17, and from the context, it

appears that the applicants intended the number "14" to be the number "17."

Accordingly, for the remainder of this Office Action, claim 18 will be read as

depending from claim 17.

b) Dependent claim 19 purports to depend from claim 15, however, from

the fact that the prior independent claim is claim 17, and from the context, it

appears that the applicants intended the number "15" to be the number "18."

Accordingly, for the remainder of this Office Action, claim 19 will be read as

depending from claim 18.

c) Dependent claim 21 purports to depend from claim 14, however, from

the fact that the prior independent claim is claim 17, and from the context, it

appears that the applicants intended the number "14" to be the number "17."

Accordingly, for the remainder of this Office Action, claim 21 will be read as

depending from claim 17.

Appropriate correction is required.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

7.   **Claims 1 and 6-12** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex, Inc., 1991,

pages 109-125, 167-174, and 222-247. [hereinafter "CAD"], in view of Ambrosius, L.,

"TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"].

Regarding **independent claim 1**, CAD in view of TAG1 teaches:

> *A method for automatically labeling an image, the method comprising:*
>
> *providing a working image that includes a number of objects;*
>
> *determining label parameters for labels to be associated with at least*
> *some of the objects;*
>
> *placing a first label in the working image when one of the objects is*
> *selected;*
>
> *placing a second label in the working image when another one of the*
> *objects is selected, wherein the second label is automatically generated in*
> *accordance with the label parameters, and the second label is different from the*
> *first label by an increment.*

(CAD teaches the use of AutoCAD as providing the working image that includes a

number of objects. See, CAD, page 109. CAD does not specifically teach the setting of

parameters for labels to be associated with objects, nor does CAD teach automatically

generating and incrementing a second label when another object is selected.

.TAG1 teaches the program code that "allows the user to place a numbered

bubble at any given point" with the number counts incrementing when future bubbles

are set.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have used the teachings of TAG1 to modify CAD in order to provide a function of being able to place automatically incrementing bubbles within a CAD document.

The motivation to combine TAG1 with CAD is that TAG1 was written as a LISP file, which was known by one of ordinary skill in the art at the time of the invention to be computer code compatible with the CAD program. AS evidence of the association of LISP programming with CAD, see "AutoLISP Downloads," last downloaded by the Examiner on November 27, 2005 from: hyperpics.com/customization/autolist/autolist_downloads.htm, downloaded pages 1-5, which identifies TAG1 as a program to be used with AutoCAD software.

Regarding **dependent claim 6**, CAD in view of TAG1 teaches:

The method of claim 1, wherein the increment is an offset from one label to another such that no two labels used in the working image are identical.

(TAG1 is written such that the numbered bubbles automatically increment by 1.)

Regarding **dependent claim 7**, CAD in view of TAG1 teaches:

The method of claim 1, wherein one of the label parameters pertains to a style of the labels.

(See, CAD, page 234, teaching that the STYLE command enables the creation of a type style based on any font chosen.)

Regarding **dependent claim 8**, CAD in view of TAG1 teaches:

> *The method of claim 7, wherein the style determines one or more of fonts,*
>
> *sizes, shapes, boundaries or transparency of the labels.*

(See, CAD, page 234, teaching that the STYLE command enables the creation of a type

style based on any font chosen.)

Regarding **dependent claim 9**, CAD in view of TAG1 teaches:

> *The method of claim 1, wherein one of the labels is associated with an*
>
> *annotation box in which a user can type in texts.*

(See, CAD, pages 222-223, teaching using TEXT as labels.)

Regarding **dependent claim 10**, CAD in view of TAG1 teaches:

> *The method of claim 1 further including resetting the label parameters;*
>
> *and causing the labels that have been placed in the working image to change in*
>
> *accordance with the label parameters.*

(See, CAD, 241-247, teaching modifying text.)

Regarding **dependent claim 11**, CAD in view of TAG1 teaches:

> *The method of claim 10, wherein each of the labels includes a set of digits*
>
> *or characters in a boundary, and further including adjusting a size of the digits or*

characters in the boundary, when a number of the digits or characters increases,

to maintain a size of the boundary unchanged.

(See, CAD, pages 226-227, teaching text and scale within an object boundary.)

Regarding **dependent claim 12**, CAD in view of TAG1 teaches:

> *The method of claim 1, wherein the working image can be saved in a*
>
> *desired format to embed the first and second labels or in a file that keeps the*
>
> *working image and the labels separately so that further editing to the labels is*
>
> *possible.*

(See, CAD, 170-173, teaching that views are saved in layers in CAD.)

8.   **Dependent claims 2, 4, and 5** are rejected under 35 U.S.C. ~~102(b)~~ *103(a)* as being

~~anticipated by~~ Unpatentable over Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex,

Inc., 1991, pages 109-125, 167-174, and 222-247 [hereinafter "CAD"], in view of

Ambrosius, L., "TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"]

as applied to claim 1 above, and further in view of Ambrosius, L., "TAG.LSP,"

HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG"].

Regarding **dependent claim 2**, CAD in view of TAG1 and further in view of TAG

teaches:

> *The method of claim 1, wherein the placing of the first label and in the*

> *working image includes placing automatically a tracing line between the first label*
>
> *and the one of the objects to indicate a visual association therebetween, and*
>
> *wherein the placing of the second label in the working image includes placing*
>
> *automatically a tracing line between the second label and the another one of the*
>
> *objects to indicate a visual association therebetween.*

(CAD teaches the use of AutoCAD as providing the working image that includes a number of objects. See, CAD, page 109. CAD does not specifically teach the setting of parameters for labels to be associated with objects, nor does CAD teach automatically generating and incrementing a second label when another object is selected, nor does CAD teach automatically placing a tracing line between the label and an object to indicate a visual association therebetween.

TAG1 teaches the program code that "allows the user to place a numbered bubble at any given point" with the number counts incrementing when future bubbles are set.

TAG specifically teaches the inclusion of a leader on the automatically incrementing numbered bubble, such routine sometimes colorfully referred to as a "lollipop maker."

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have combined the teachings of TAG1 and TAG to modify CAD in order to provide a function of being able to place automatically incrementing bubbles with lead lines within a CAD document.

The motivation to combine TAG1 and TAG with CAD is that TAG1 and TAG were written as LISP files, which was known by one of ordinary skill in the art at the time of the invention to be computer code compatible with the CAD program. AS evidence of the association of LISP programming with CAD, see "AutoLISP Downloads," last downloaded by the Examiner on November 27, 2005, from: hyperpics.com/customization/autolist/autolist_downloads.htm, downloaded pages 1-5, which identifies TAG1 and TAG as programs to be used with AutoCAD software.)

Regarding **dependent claim 4**, CAD in view of TAG1 and further in view of TAG teaches:

> *The method of claim 2, wherein the working image is an image layer in a plurality of layers, one of the layers being designated for the first and second labels.*

(See, CAD, pages 109-125, teaching the use of multiple layers to a drawing to organize a drawing, including to separate objects and annotations in drawings. See, specifically, CAD, page 109, stating: "You also want to keep notes and reference symbols on their own layers . . ..")

Regarding **dependent claim 5**, CAD in view of TAG1 and further in view of TAG teaches:

> *The method of claim 4, wherein one of the layers is considered as a base layer being larger in size than that of the working image.*

(It is noted that the size of a layer is not disclosed as having a functional value. See,

disclosure, paragraph [0041]. It is inherent in a CAD system that the size of a layer may

be increased or decreased, and an art recognized alternative for any layer to be of any

useful size. See, CAD, pages 167-174. Therefore, in that claim 5 incorporates

substantially similar subject matter as claimed in claim 4, it is rejected along the same

rationale.)

9.   **Dependent claim 3** is rejected under 35 U.S.C. ~~102(b)~~ $103(a)$ as being ~~anticipated by~~ Unpatentable over 103

Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex, Inc., 1991,

pages 109-125, 167-174, and 222-247 [hereinafter "CAD"], in view of Ambrosius, L.,

"TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"], further in view

of Ambrosius, L., "TAG.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG"],

as applied to claim 2, above, and still further in view of "Canvas Tips and Techniques,"

ACD Systems of America, Inc, copyright 1995-2003, downloaded pages 1-13

[hereinafter "Canvas"].

Regarding **dependent claim 3**, CAD in view of TAG1 in view of TAG and further in view

of Canvas teaches:

> The method of claim 2, wherein the working image is generated from the
>
> image and placed in a canvas for the labels.

(CAD teaches the use of AutoCAD as providing the working image that includes a

number of objects. See, CAD, page 109. CAD does not specifically teach the setting of

parameters for labels to be associated with objects, nor does CAD teach automatically

generating and incrementing a second label when another object is selected, nor does

CAD teach automatically placing a tracing line between the label and an object to

indicate a visual association therebetween, nor does CAD teach the use of a canvas.

TAG1 teaches the program code that "allows the user to place a numbered

bubble at any given point" with the number counts incrementing when future bubbles

are set.

TAG specifically teaches the inclusion of a leader on the automatically

incrementing numbered bubble, such routine sometimes colorfully referred to as a

"lollipop maker."

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to have used the teachings of TAG1 and TAG to modify CAD in

order to provide a function of being able to place automatically incrementing bubbles

with lead lines within a CAD document.

The motivation to combine TAG1 and TAG with CAD is that TAG1 and TAG were

written as LISP files, which was known by one of ordinary skill in the art at the time of

the invention to be computer code compatible with the CAD program. AS evidence of

the association of LISP programming with CAD, see "AutoLISP Downloads," last

downloaded by the Examiner on November 27, 2005, which identifies TAG1 and TAG

as programs to be used with AutoCAD software.

Further, it is noted that the term "canvas" is not specifically defined in the

disclosure, except in a general reference: "Thus a duplicated copy of the captured

image 302 is produced (e.g., as a canvas in Microsoft Operating Systems) . . .." See, disclosure, paragraph [0030]. The term "canvas" is read to be a working copy of a CAD image copied to a compatible format, as was known by one of ordinary skill in the art at the time of the invention regarding the use of a canvas in connection with a CAD program. See, Canvas, generally, downloaded pages 1-13.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have combined the teachings of TAG1, TAG, and CAD with the teachings of canvas to result in an image generated in a CAD program with automatically incremented labels with lead lines to visually associated the object with the label and to have copied the original image to a canvas for such labeling.

The motivation for combining TAG1, TAG, and CAD with the teachings of canvas is stated in canvas, stating that it is common for scientists, engineers, or architects to "add images, charts, or other colorful enhancements to a CAD file to make it easier to understand.")

10.   **Independent claim 13** is rejected under 35 U.S.C. ~~102(b)~~ 103(a) as being ~~anticipated~~ unpatentable over ~~by~~ Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex, Inc., 1991, pages 109-125, 167-174, and 222-247 [hereinafter "CAD"], in view of Ambrosius, L., "TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"] ~~as applied to claim 1 above,~~ and further in view of Ambrosius, L., "TAG.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG"].

Regarding **independent claim 13**, CAD in view of TAG1 and further in view of TAG teaches:

A method for automatically labeling an image, the method comprising:

providing a graphic environment in which an electronic image is displayed, the graphic environment including a plurality of icons, one of the icons, once activated, providing a working image from the image that includes a number of objects and displaying a number of annotation icons, wherein one of annotation icons facilitating determination of label parameters for labels to be associated with at least some of the objects;

placing a first label in the working image when one of the objects is selected;

placing a second label in the working image when another one of the objects is selected, wherein the second label is automatically generated in accordance with an increment in one of the label parameters;

placing additional labels in the working image when additional ones of the objects are respectively selected, wherein the additional labels are respectively and automatically generated in accordance with the increment with reference to a preceding saving the working image with the labels placed therein in a predetermined format to embed the labels or in a file that keeps the working image and the labels separately so that further editing to the labels is possible.

(CAD teaches the use of AutoCAD as providing the working image that includes a number of objects. See, CAD, page 109. CAD does not specifically teach the setting of

parameters for labels to be associated with objects, nor does CAD teach automatically

generating and incrementing a second label when another object is selected, nor does

CAD teach that the offset for the automatic incrementing is by 1, nor does CAD teach

automatically placing a tracing line between the label and an object to indicate a visual

association therebetween, nor does CAD teach layered images, nor does CAD teach

saving an image document by layers.

TAG1 teaches the program code that "allows the user to place a numbered

bubble at any given point" with the number counts incrementing when future bubbles

are set. TAG1 specifically teaches incrementing the number count by 1.

TAG specifically teaches the inclusion of a leader on the automatically

incrementing numbered bubble, such routine sometimes colorfully referred to as a

"lollipop maker."

CAD teaches the use of multiple layers to a drawing to organize a drawing,

including to separate objects and annotations in drawings. See, CAD generally, pages

109-125 and specifically, page 109, stating: "You also want to keep notes and

reference symbols on their own layers . . .."

CAD also teaches saving the documents in layers. See, CAD, 170-173.

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to have combined the teachings of TAG1 and TAG to modify

CAD in order to provide a function of being able to place automatically incrementing

bubbles with lead lines within a CAD document, to automatically make the numbers

increment by 1, and to use and save the documents in layers.

The motivation to combine TAG1 and TAG with CAD is that TAG1 and TAG were written as LISP files, which was known by one of ordinary skill in the art at the time of the invention to be computer code compatible with the CAD program. AS evidence of the association of LISP programming with CAD, see "AutoLISP Downloads," last downloaded by the Examiner on November 27, 2005, which identifies TAG1 and TAG as programs to be used with AutoCAD software.)

11.   Regarding **dependent claims 14 and 15**, claims 14 and 15 incorporate substantially similar subject matter as claimed in claims 7 and 8, respectively, and they are rejected along the same rationale.

12.   Regarding **dependent claim 16**, claim 16 incorporates substantially similar subject matter as claimed in claim 5, and claim 16 is rejected along the same rationale.

13.   Regarding **independent claim 17**, claim 17 incorporates substantially similar subject matter as claimed in claim 1, and claim 17 is rejected along the same rationale.

14.   Regarding **dependent claims 18 and 19**, claims 18 and 19 incorporate substantially similar subject matter as claimed in claims 2 and 4, respectively, and they are rejected along the same rationale.

15.   Regarding **dependent claims 20-26**, claims 20-26 incorporate substantially

similar subject matter as claimed in claims 6-12, respectively, and they are rejected

along the same rationale.

Conclusion

16.   The following prior art is made of record and not relied upon that is considered

pertinent to applicants' disclosure:

Etrusoft, "!Quick Screenshot maker," downloaded from

www.etrusoft.com/screenshot-maker/screenshotmaker-screenshot.htm, believed to

have been available as early as 2000, with functions that appear to be similar to those

claimed.

CompuNotes, review of "FullShot v6.03, by Inbit, Inc.," November 10, 2001,

published on the Internet at www.nfbnet.org/files/newsletters/COMPNOTE.168,

downloaded pages 1-2, review of software program that appears to contain similar

functions to those claimed.

Herniter, Marc E., "Schematic Capture with MicroSim™ PSpice®," Second

Edition, Prentice Hall, 1996, pages 1-29.

"HyperSnap-DX," "Powerful screen capture software," last downloaded by the

Examiner from the Internet on November 26, 2005, from:

web.archive.org/web/20020914062026/www.hyperionics.com/hsdx/index/asp,

downloaded pages 1-3, teaching an image capture program that appears to contain

many of the functions claimed.

OrCAD PSpice, "User's Guide," OrCAD, 1998, cover, copyright page, and pages 15-21, teaching the insertion of discrete electronic components into an image, whereupon the part number labels of the components automatically increments when the parts are placed on the image.

"Pro/ENGINEER Tutorial, Lesson #1: Getting Started / Creating a Simple Part," believed to have been posted on the Internet as of November 21, 2001, downloaded pages 1-16, teaching automatic incrementing of dimensions in an image document.

"SmartDraw.com," "Graphics software for business charts and digital photos," posted on the Internet as of November 28, 2002, downloaded pages 1-17, last downloaded by the Examiner from the Internet on November 26, 2005, from: web.archive.org/web/20021128105702/http://www1.smartdraw.com/, teaching an image editing program that appears to contain many of the functions claimed.

TechSmith "SNAGIT, The leader in Screen Capture, Getting Started Guide," believed to have been posted on the Internet as of November 6, 2002, downloaded from web.archive.org/web/*/http://www.techsmith.com/products/snagit/documentation.asp, downloaded pages 1-19.

TechSmith, "SnagIt," "Version History," downloaded from TechSmith.com, downloaded pages 1-4, SnagIt v7, released on November 2003, and SnagIt v5, released on April 14, 2000, appear to teach annotation functions similar to those claimed.

"Tips and Hints," posted on the internet as of June 7, 2002, last downloaded by the Examiner on November 27, 2005, from:

web.archive.org/web/20020607224639/http://members.optusnet.com.au/~forwardthinkin

g/html, downloaded pages 1-6, teaching automatic tag incrementing technique in CAD.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael K. Botts whose telephone number is 571-272-

5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MKB

WILLIAM BASHORE
PRIMARY EXAMINER

11/27/2005